



ATTORNEY DOCKET NO: 70363

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KRÜGER et al.  
Serial No : 10/079,604  
Confirm. No. : 7284  
Filed : February 20, 2002  
For : CLEARING MODES OF...  
Art Unit : 3761  
Examiner : Andrea M. RAGONESE  
Dated : December 17, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's duty of disclosure, Applicant is submitted the following references which have been cited in a foreign patent application.

U.S. Patent 5,560,353 describes a nebulizer for supplying discreet puffs of gas containing particles of an active product. The sequence of puffs is programmed and controlled according to a puff sequence program. The claims of the present application have been amended to specifically set forth a respirator. A respirator performs respiration (inhalation and exhalation) for the user. The nebulizer of this new reference does not provide any respiration.

The claims of the present application have also been amended to set forth that data is encoded and decoded on a storage medium. Applicant finds no teaching nor suggestion of data being encoded and decoded in '353. Therefore the claims of the present invention further define over the reference.

Favorable action on the merits of this application is respectfully requested.

Respectfully submitted  
for Applicant,

By: 

Theobald Dengler  
Registration No. 34,575  
McGLEW AND TUTTLE, P.C.

TD:jms  
70363.12

Enclosed: PTO-1449 Form

DATED: December 17, 2004  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH  
THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE  
ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,  
VA 22313-1450, NO.: EV436439038US.

McGLEW AND TUTTLE, P.C.  
SCARBOROUGH STATION, SCARBOROUGH, NY 10510-0827

BY: Cristian Fonte DATE: December 17, 2004

LIST OF REFERENCES CITED  
BY APPLICANT  
(Use several sheets if necessary)Atty Docket No.: 70363  
Ser. No.: 10/079,604  
Applicant: KRÜGER et al.  
Filing Date: February 20, 2002  
Group: 3761

## U.S. PATENT DOCUMENTS

Ex- aminer Initial	Document No.	Date	Name	Class	Sub- class	Filing Date
	<u>U.S. 5,560,353</u>	<u>Oct. 1, 1996</u>	<u>WILLEMOT et al.</u>			<u>Nov. 29,</u> <u>1994</u>

\_\_\_\_\_  
Examiner\_\_\_\_\_  
Date Considered